IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1635 OF 2007

Melissa D'Silva .. Petitioner
V/s
State of Maharashtra .. Respondent

Mrs.Manjula Rao with Mr.Manish Rai for the Petitioner.
Mr.A.R.Patil, APP for Respondent.

CORAM : DR.S.RADHAKRISHNAN, &
SMT.R.S.DALVI, JJ.

DATE : 16th October, 2007.

P.C.:

1. Rule. Rule is made returnable forthwith by consent. The learned APP for State waives service. By consent taken up for final hearing. Heard the learned Counsel for the Petitioner and the learned APP for the State. By this petition, the Petitioner is seeking a limited relief that the Criminal Case No.334/2002 wherein she is an accused, which is pending before the Fast Track Court (Sessions Court) at Sewree should be directed to be expeditiously disposed of. Mrs.Rao, the learned Counsel appearing on behalf of the Petitioner has pointed out that the case has been pending for the last 5 years and that the petitioner has been staying in Bombay for the last 8 years with regard to the above. The learned Counsel for the Petitioner has further stated that the Petitioner has already completed her studies and now she is desirous of going back to her home town in the State of Goa. The learned APP for the State has also no objection for expeditious disposal of the above Sessions Case No.334/2002 which is pending before the Fast Track Court at Sewree.

2. Perused the order passed by this Court in Criminal Writ Petition No.533/2003 dated 23.4.2003, whereby by way of interim relief the Court had stayed the proceedings of the aforesaid Sessions Case No.334/2002 pending before the Sessions Court, Greater Bombay & the Criminal Case No.50-P of 2002 pending before the Juvenile Court, Bombay.

3. Perused the final order passed in the aforesaid Criminal Writ Petition No.533/2003 dated 1.12.2003, wherein, this Court has recorded that in the event the learned Metropolitan Magistrate arrives at the conclusion that a case has been made out under Section 302 of the IPC, the matter will be transferred to the Sessions Court, and in the event the learned Metropolitan Magistrate does not come to that conclusion, then no further process will be issued and the proceedings will be dropped. As recorded in the said order dated 1.12.2003, the learned Advocate Ms.Manjula Rao was anxious for an early decision, and under those circumstances, this Court while disposing of the aforesaid Writ Petition No.533/2003 had requested the concerned Metropolitan Magistrate to arrive at the decision at the earliest, preferrably by the end of February, 2004. It appears that no decision has been arrived at due to the procrastination of the complainant herein.

4. It is vital to note here that the Court while disposing of the aforesaid Writ Petition No.533/2003 had not continued the interim stay granted with regard to the Sessions Case No.334/2002. Therefore, it is apparent that the stay granted with regard to the Sessions Case No.334/2002 automatically came to an end when the final order was passed in Criminal Writ Petition No.533/2003 on 1.12.2003.

5. Having regard to the aforesaid facts and circumstances of the case, and as the learned Counsel for the Petitioner has pointed out that there are 24 witnesses in the matter, the hearing of the Sessions Case No.334/2002 pending before the Fast Track Court at Sewree (Sessions Court), is expedited, and the said Court is directed to dispose of the same as expeditiously as possible, preferrably within a period of nine months from today.

6. Rule is made absolute in the above terms.

(SMT.R.S.DALVI, J.) **(DR.S.RADHAKRISHNAN, J.)**